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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE
8

9 ANDREA CROOK, *individually and on behalf*
10 *of all others similarly situated,*

11 Plaintiff,

12 v.
13 REALPAGE, INC.; GREYSTAR REAL
14 ESTATE PARTNERS, LLC; LINCOLN
15 PROPERTY CO.; FPI MANAGEMENT, INC.;
16 MID-AMERICA APARTMENT
17 COMMUNITIES, INC.; AVENUE5
18 RESIDENTIAL, LLC; EQUITY
19 RESIDENTIAL; ESSEX PROPERTY TRUST,
20 INC.; THRIVE COMMUNITIES
21 MANAGEMENT, LLC; and SECURITY
22 PROPERTIES INC.,

23 Defendants.

24 No. 2:23-cv-00054

25 STIPULATED MOTION AND
26 ORDER SUSPENDING
27 DEADLINE FOR CERTAIN
28 DEFENDANTS TO RESPOND TO
29 COMPLAINT

30 Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiff Andrea Crook
31 ("Plaintiff") and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln
32 Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5
33 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities
34 Management, LLC, Security Properties Inc., BH Management Services, LLC, Cushman &
35 Wakefield, Inc., and UDR, Inc. (collectively, the "Stipulating Defendants"), by and through
36 their respective counsel, hereby stipulate as follows:

37 WHEREAS, Plaintiff filed a Class Action Complaint (the "Complaint") on January 10,

38 STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR CERTAIN DEFENDANTS TO
39 RESPOND TO COMPLAINT

40 No. 2:23-cv-00054

1 2023. ECF No. 1.

2 WHEREAS, Plaintiff served the Stipulating Defendants with process on or about
3 January 24, 25, 26, 27, and 30, 2023.

4 WHEREAS, the Complaint asserts claims under Section 1 of the Sherman Act based on
5 the alleged use of RealPage, Inc.'s revenue management software.

6 WHEREAS, as of the date of this filing, the parties are aware that one or more of the
7 Stipulating Defendants are named in multiple other lawsuits, in District Courts in Arizona,
8 California, Colorado, the District of Columbia, Florida, Massachusetts, Tennessee, Texas, and
9 other cases in Washington, asserting claims under Section 1 of the Sherman Act based on the
10 alleged use of RealPage, Inc.'s revenue management software.

11 WHEREAS, on January 4, 2023, certain Stipulating Defendants and defendants named
12 in other actions filed a motion pursuant to 28 U.S.C. §1407 before the U.S. Judicial Panel on
13 Multidistrict Litigation to transfer this case and others to the U.S. District Court for the
14 Northern District of Texas for consolidated pretrial proceedings;

15 WHEREAS, Plaintiff and the Stipulating Defendants have conferred and agreed that
16 party and judicial efficiency would be best served by suspending, for a short period of time, the
17 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the
18 Complaint.

19 WHEREAS, similar orders have been entered in other related cases subject to
20 Defendants' MDL Petition, including: *Weaver v. RealPage, Inc. et al.*, No. 1:22-cv-03224 (D.
21 Colo.), *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), *Alvarez et al. v.*
22 *RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*,
23 No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712
24 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.);

25 WHEREAS, Plaintiff and the Stipulating Defendants have conferred and agree that the
26 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the

27 STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR CERTAIN DEFENDANTS TO
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1 Complaint should be suspended and should be set on the same date as the deadline ultimately
2 established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry*
3 *et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage,*
4 *Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No.
5 2:22-cv-01726 (W.D. Wash.).

6 WHEREAS, Plaintiffs and the Stipulating Defendants have agreed to file a joint status
7 report with the Court by April 21, 2023.

8 In making this stipulation, the Stipulating Defendants do not waive, in this or any other
9 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.
10 12; (ii) affirmative defenses under Fed. R. Civ. P. 8, including defenses based on class action
11 waivers; (iii) other statutory or common law defenses that may be available; or (iv) right to
12 seek or oppose any reassignment, transfer, or consolidated alternatives, including to seek
13 arbitration. The Stipulating Defendants expressly reserve their rights to raise any such defenses
14 (or any other defense) in response to either the Complaint or any original, amended, or
15 consolidated complaint that may be filed in this or any other action.

16 THEREFORE, Plaintiff and the Stipulating Defendants stipulate and agree to suspend
17 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to
18 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

19 STIPULATED to this 10th day of February, 2023.

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1 We certify that this memorandum contains
2 1,946 words, in compliance with the Local Civil
3 Rules.

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ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities Management, LLC, Security Properties Inc., BH Management Services, LLC, Cushman & Wakefield, Inc., and UDR, Inc. to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended and shall be set on the same date as the deadline ultimately established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.).

Plaintiffs and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities Management, LLC, Security Properties Inc., BH Management Services, LLC, Cushman & Wakefield, Inc., and UDR, Inc. shall file a joint status report with the Court by April 21, 2023.

Dated this 13th day of February, 2023.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge

**STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR CERTAIN DEFENDANTS TO
RESPOND TO COMPLAINT**

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